

May 27, 2025

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VIA ECF

Honorable Frederic Block
United States District Court
Eastern District of New York
225 Cadman Plaza
Brooklyn, New York 11201

**Re: *Engesser et al. v. McDonald*,
Civil Action No. 25-cv-01689 (FB) (LKE)**

Dear Judge Block:

We represent Plaintiffs in the above-captioned matter. Pursuant to the Court's order at ECF No. 117, we respectfully submit the briefing schedules outlined below.

For Plaintiffs' forthcoming motion to amend and extend the Preliminary Injunction, the Parties have agreed that (1) Plaintiffs shall file their opening brief on or before May 28, 2025, (2) Defendant shall file its answering brief on or before June 11, 2025, and (3) Plaintiffs shall file their reply brief on or before June 18, 2025. The parties respectfully request oral argument on the motion at a time that is convenient for the Court as soon as practicable following completion of briefing.

As explained in Plaintiffs' May 20, 2025 letter, Plaintiffs also intend to move for class certification and summary judgment in the coming weeks to protect their rights once the Preliminary Injunction ends and requests permission to file these motions. Both motions are currently ripe for the Court's adjudication. Plaintiffs propose that (1) Plaintiffs file their opening briefs on or before June 18, 2025, (2) Defendant files its answering briefs on or before July 18, 2025, and (3) Plaintiffs file their reply briefs on or before August 1, 2025 for those motions. Defendant has not agreed to Plaintiffs' proposed schedule.¹ Plaintiffs respectfully request that

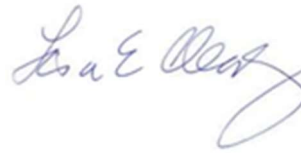
¹ Defendant has indicated that it may soon move to dismiss. Plaintiffs believe that all of the Parties' forthcoming motions should be briefed concurrently since the motions for dismissal and summary judgment will involve the same legal issues. Plaintiffs contend that it is critical to brief class certification and summary judgment in the coming weeks and to have a judicial decision issued given the importance of providing impacted class members with notice, an opportunity for a fair hearing and aid-continuing, especially in light of Defendant's assertion that it intends to impose a deadline with ensuing loss of services under the CDPAP program once the Preliminary

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the Court order the Parties to abide by Plaintiffs' proposed schedule. Plaintiffs also respectfully request oral argument on their class certification and summary judgment motions at a time convenient for the Court in September following your Honor's return to Chambers. Defendant has indicated it will write separately to address these matters.

We thank the Court for its time last week and wanted to report that the parties met at the conclusion of the hearing to discuss the possibility of resolution of the motion to amend and extend the Preliminary Injunction. We commit to reporting any positive developments in this regard in a timely manner. We appreciate the Court's encouragement to continue to try to find common ground.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Lisa E. Cleary", with a stylized flourish at the end.

Lisa E. Cleary

cc (by email or ECF)
Caitlin Ross
Rachel Summer, NYAG
Samantha Buchalter, NYAG
Elizabeth Jois, NYLAG
Julia Russell, NYLAG
Jacqueline Brandon
Emma Brill

Injunction expires. Plaintiffs understand that Defendant does not plan to provide the notice, opportunity for a fair hearing and aid-continuing required under the Medicaid Act and due process clause of the United States Constitution, which will cause harm to impacted Consumers.